

**Amendments to the Drawings:**

The attached sheets of drawings includes new FIGS. 2-9. FIGS. 2, 3 and 4 show the embodiment of FIG. 1 including the relationship between structures of the device. FIGS. 5 and 6 show the embodiment wherein the exercise device includes a device that simulates a bicycling operation as recited in claim 5. FIGS. 7 and 8 show an embodiment wherein the exercise device includes a device that simulates a rowing operation as recited in claim 6. FIGS. 9 and 10 shows an embodiment where the exercise device includes a treadmill.

Attachment: 9 new Drawing Sheets

### REMARKS/ARGUMENTS

. The claims are 1-3 and 7-10 with claims 5-6 (claim 4 canceled herein) having been withdrawn from consideration by the Examiner as directed to a non-elected species. Claim 1 has been amended to better define the invention, claims 2 and 8 have been amended in view of the amendment to claim 1, and claim 4 has been canceled. New drawing sheets depicting FIGS. 2-10 have been added showing embodiments of the invention as cross-trainer, bicycle, rower and treadmill and the relationship between the various parts, and the specification has been amended to refer to these new drawing sheets. Support may be found, *inter alia*, at pages 6-9 of the disclosure and in the original claims and drawings. Reconsideration is expressly requested.

The drawings were objected to under 37 C.F.R. 1.83(a) as failing to show the electrical vibration means (claim 3), the pneumatic vibration means (claim 4), the device that simulates a bicycling operation (claim 5), and the device that simulates a rowing operation (claim 6). The drawings were also objected to under 37 C.F.R. 1.83(a) as failing to show the detailed relationship between structures essential to the operability of the device as described in the specification.

In response, Applicant has canceled claim 4 and has added new FIGS. 2-10, which depict the detailed relationship between

structures of the device and its various embodiments, which it is respectfully submitted would have been apparent to one skilled in the art from Applicant's disclosure as originally filed and the original claims and drawings. As discussed in the specification, the electrical vibration means may be a vibration motor 12 or 13, such as shown in original FIG. 1. FIG. 5 shows the embodiment wherein the device simulates a bicycling operation and FIG. 7 shows an embodiment device that simulates a rowing operation. It is respectfully submitted that the foregoing amendments overcome the Examiner's objection to the drawings, and Applicant respectfully requests that the objections to the drawings be withdrawn.

The claims were rejected under 35 U.S.C. 112, second paragraph, for the reasons set forth on page 5 of the Office Action. Although the Examiner states that the claims appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors, it is respectfully submitted that no such grammatical or idiomatic errors appear in the claims. The Examiner has also stated that the term "plurality of modules" in claim 1 is not understood and in response, Applicant has changed the term "modules" to --units-- in claims 1, 2 and 8 for clarification purposes. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. 112, second paragraph, and Applicant respectfully requests that the rejection on that basis be withdrawn.

Claims 1-3 and 7-10 were rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. In the Examiner's view, elliptical exercise structure critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure.

This rejection is respectfully traversed.

As set forth in 35 U.S.C. 112, the detailed description of the invention need only be in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains or with which it is most nearly connected to make and use the same. In the present specification, it is stated that the exercise device can be equipped in different ways such as a cross-trainer, a bicycle-like device or a rowing device. These types of devices are well known, but what is not well known and what Applicant has described in the specification is to have at least one damping element connect a separate component, which is in effective communication with a body part of an exercising person, with a corresponding unit of the exercise device, with the ability to have a vibration movement applied to it. See, for example, pages 4 and 8 of the disclosure. It is respectfully submitted that this disclosure is more than sufficient to enable a person skilled in the art to make and use the invention especially in view of the original FIG. 1 and claims that illustrate and refer to this feature, and provide clear guidance to a person

skilled in the art as to how to practice the invention. Accordingly, it is respectfully submitted that no lack of enablement is present and that the claims fully comply with 35 U.S.C. 112, first paragraph.

Claims 1-3 and 7 were rejected under 37 U.S.C. 102(b) as being anticipated by "*Cheng*". The Examiner has not indicated whether he intends to base his rejection on *Cheng U.S. Patent No. 6,077,201* or *Cheng U.S. Patent No. 6,027,432*. In any event, this rejection is respectfully traversed for the following reasons.

As set forth in claim 1 as amended, Applicant's invention provides an exercise device for improving physical fitness including a base body having a plurality of units for supporting a user, at least one of the units being displaceable by a body part of the user, and each unit having at least one associated first separate component in effective communication with an assigned part of the user such as footplates 6 and 7, and handle segments 8 and 9.

The exercise device also includes at least one damping element connecting a respective first component with a corresponding unit and at least one vibrating movement generator operatively connected to at least one said first component for applying vibration movement to the first component.

In this way, Applicant's invention makes it possible to equip conventional exercise devices with an additional function so that the vibration becomes effective only at those modules or units on which the exercising person is supporting him or herself with the hands, feet or other body parts. Consequently, great stability and low stress on the components of the exercise devices are guaranteed. In addition, it becomes possible to have vibration of only selected components, and therefore individual adaptation to user-dependent parameters can be implemented, for example, with regard to a specific exercise goal or health state.

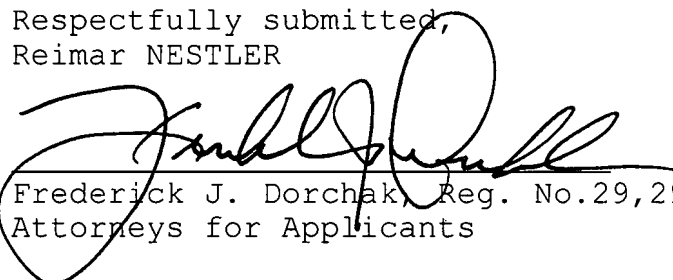
Both *Cheng* references fail to disclose or suggest an exercise device having at least one damping element between a first component in effective communication with an assigned body part of the user (such as Applicant's footplate/handle segment), and a corresponding unit of the base body (such as Applicant's step surface 2, 3 and handlebar 5. Accordingly, it is respectfully submitted that the *Cheng* patents cannot anticipate Applicant's claim 1 as amended, or claims 2, 3 and 7-10, which depend directly or indirectly thereon.

In summary, claims 1, 2 and 8 have been amended together with the specification, and new FIGS. 2-9 have been added. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Applicant also submits herewith a Supplemental Information  
Disclosure Statement.

Respectfully submitted,  
Reimar NESTLER

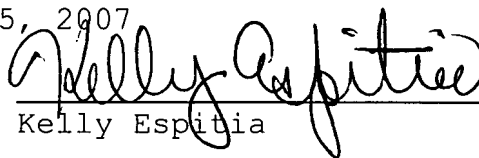
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Enclosure:        Copy of Petition - 3 month extension of time  
                      Appendix - 9 new sheets of drawings

I hereby certify that this correspondence is being deposited  
with the U.S. Postal Service as first class mail in an envelope  
addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450, on June 5, 2007

  
Kelly Espitia

# **APPENDIX**